

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**GREGORY C. LAFLER,**

**Plaintiff,**

**V.**

**DENNIS CONNOT, and A.J. WATSON,  
(313-N.S.P.),**

**Defendants.**

**CASE NO. 4:08CV3252**

# MEMORANDUM AND ORDER

Plaintiff filed his Complaint in this matter on December 15, 2008, while he was incarcerated. (Filing No. [1](#).) Plaintiff was also granted leave to proceed in forma pauperis (“IFP”) while he was incarcerated. (Filing No. [6](#).) Plaintiff filed a change of address on January 22, 2009, indicating that he is no longer incarcerated. (Filing No. [8](#).)

Since Plaintiff is no longer incarcerated, he must now file a new Application for Leave to Proceed IFP if he wishes to continue pursuing this case in forma pauperis. See, e.g., [McGann v. Comm’r, Social Security Admin.](#), 96 F.3d 28, 30 (2d Cir. 1996) (“A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.”). Plaintiff may, in the alternative, pay the court’s \$350.00 filing fee. However, if Plaintiff fails to either file a new IFP application or pay the \$350.00 filing fee by March 3, 2009, this case will be dismissed without prejudice and without further notice.

IT IS THEREFORE ORDERED that:

1. By March 3, 2009, Plaintiff shall either file a new Application to Proceed in Forma Pauperis or pay the \$350.00 filing fee. If Plaintiff fails to comply with this Memorandum and Order, this case will be dismissed without prejudice and without further notice;

2. The Clerk of the court shall send to Plaintiff Form AO 240, "Application to Proceed Without Prepayment of Fees and Affidavit;"
3. Plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal; and
4. The Clerk of the court is directed to set a pro se case management deadline with the following text: March 3, 2009: deadline for Plaintiff to file new IFP application or pay filing fee.

DATED this 3<sup>rd</sup> day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge